IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL, 2007 / 13TH CHAITHRA, 1930

WP(C).No. 11570 of 2007(B)

PETITIONER:

SAMBASIVAN S., S/O.G.SREEDHARAN,
AGED 54 YEARS, HOUSE NO.7, RAJALAKSHMI NAGAR,
PATTOM P.O., TRIVANDRUM-695 004.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

4. THE MANAGING DIRECTOR, POWER GRID CORPORATION OF INDIA LTD., NEW DELHI.

5. THE MANAGER, TRANSMISSION LINE (CONSTRUCTION), POWER GRID CORPORATION OF INDIA LTD., CONSTRUCTION AREA OFFICE, PONGUMMOODU, THIRUVANANTHAPURAM-11.

6. THE SPECIAL TAHSILDAR, POWER GRID CORPORATION OF INDIA, PONGUMMOODU, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM.

R1 TO R3 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 11570 OF 2007 B

Dated this the 3rd day of April, 2007

J U D G M E N T

The petitioner is an owner of certain lands from which rubber trees have been cut for drawing transmission lines on behalf of the Power Grid Corporation of India Limited. The contention of the petitioner is that the valuation done by the District Collector is too low and the petitioner should have been given compensation based on the valuation in accordance with the present norms of the Rubber Board. The question of valuation of rubber trees for the purpose of compensation has to be only on the basis of evidence regarding factors involved for making such valuation. That cannot be done in proceedings under Article 226 of the Constitution of India. More appropriately, the matter has to be dealt with by the civil court where the petitioner can adduce evidence in support of his claim for enhanced compensation. Therefore, without prejudice to such right of the petitioner, the writ petition is dismissed.

Sd/-

S. SIRI JAGAN,

Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007